

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

In the Matter of the Complaint of Trout
on the Fly, LLC and Nathaniel Stevane,
as owners and/or owners pro hac vice of
2012 SeaArk, Model: 1652-SLD, 16'
long 52" wide, VIN/HIN –
S0M35905D212 ,

20-cv-38-BU-BMM

ORDER

Plaintiffs,

For Exoneration From or
Limitation of Liability.

This matter arises from an accident on Holter Lake, an impounded stretch of the Missouri River. Judge Sam E. Haddon dismissed another action arising from the same accident for lack of subject matter jurisdiction. *See In the Matter of Garrett*, 19-cv-81 (D. Mont. Jan. 10, 2020). The Ninth Circuit affirmed Judge Haddon's finding. *See In the Matter of Garrett*, No. 20-35127 (Dec. 2, 2020). The Ninth Circuit found that claims arising on Holter Lake do not meet "the location test for navigable waters" and therefore do not qualify for federal court admiralty jurisdiction under 28 U.S.C. § 1333(1). *See id.* at *5. Counsel in *Garrett* represented to this Court that they will not pursue a Petition for Writ of Certiorari.

See GARRETT BLACKBURN, as Owner of the G3 1652 JON BOAT, No. 2:19-cv-00057-BMM, Doc. 71.

The Court lacks subject matter jurisdiction over this case. The Court will therefore dismiss the above-captioned matter.

ORDER

With good cause shown, **IT IS HEREBY ORDERED** that Plaintiff's Complaint for Exoneration (Doc. 1) is **DISMISSED** for lack of subject matter jurisdiction. The Clerk is directed to close the case.

Dated the 6th day of January, 2021.



Brian Morris, Chief District Judge
United States District Court